

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CHARLENE LIBERTY, JOHN DAPONTE,
JOHN DAVIS, DUANE GOMES, ADAM
HANRAHAN and CHARLES KENNER,
on behalf of themselves and all others
similarly situated; and
DISABILITY RIGHTS RHODE ISLAND,
on behalf of its constituents,
Plaintiffs,

v.

C.A. No. 19-cv-0573-JJM-PAS

RHODE ISLAND DEPARTMENT OF
CORRECTIONS; PATRICIA COYNE-
FAGUE in her official capacity as the
Director of the Rhode Island Department of
Corrections; MATTHEW KETTLE,
Official Capacity as the Assistant Director of
Institutions and Operations; and BARRY
WEINER in his Official Capacity as the
Assistant Director of Rehabilitation Services
Defendants.

STATE DEFENDANTS' MOTION FOR RECONSIDERATION OF
MAY 29, 2020 TEXT ORDER AND
OBJECTION TO PLAINTIFFS' MOTION FOR ADMISSION
PRO HAC VICE OF MARIA V. MORRIS

The State Defendants object to Plaintiffs' Motion for Admission *pro hac vice* of Maria V. Morris (ECF No. 23). The Plaintiffs failed to comply with LR 204(c). The State asks this Honorable Court, pursuant to LR 204(f)(2), for reconsideration of its Text Order issued on this date granting the motion.

Prior to granting the Motion for Admission *pro hac vice* of Maria V. Morris (ECF No. 23), six attorneys had entered their appearances on behalf of Plaintiffs, three by *pro hac vice* (ECF. No.2, ECF No. 3, ECF No. 9, Text Orders of October 28, 2019 and

November 7, 2019). The Motion for Admission *pro hac vice* of Maria V. Morris (ECF No. 23) was filed on this date at 9:17 am without any evidence or explanation of “good cause.” The motion was granted by Text Order approximately two hours later. The State Defendants object to the Motion and ask this Honorable Court’s reconsideration of the Text Order.

Plaintiffs failed to show good cause why they should be permitted to exceed the limitation set forth in LR 204(c). LR 204(c) provides that “[u]nless otherwise permitted by the Court for good cause shown, no more than 3 *pro hac vice* counsel may be admitted to represent any party in a case.” Plaintiffs filed a boilerplate motion for Attorney Morris to be granted *pro hac vice* status. Having already been granted 3 *pro hac vice* counsel, LR 204(c) required the demonstration of good cause, which the State submits would include a basis why seven counsel are necessary to represent them in this case. Plaintiffs failed to satisfy the threshold requirements of LR 204(c) in filing the motion and also failed to demonstrate good cause for the admission of four *pro hac vice* counsel.

For the above stated reasons, the State Defendants respectfully request that the text order is vacated and the Motion (ECF No. 23) denied.

Respectfully submitted,

STATE DEFENDANTS
RHODE ISLAND DEPARTMENT OF
CORRECTIONS, PATRICIA COYNE-
FAGUE, in her official capacity of the
Director of the Rhode Island
Department of Corrections;
MATTHEW KETTLE, in his official
capacity as Assistant Director of
Institutions and Operations; and
BARRY WEINER, in his official
capacity as Assistant Director of
Rehabilitation Services,

By:

PETER F. NERONHA
ATTORNEY GENERAL

/s/ Brenda D. Baum

Brenda D. Baum #5184
Assistant Attorney General
R.I. Department of Attorney General
150 South Main Street
Providence, RI 02903
Tel: (401) 274-4400 ext. 2294
Fax: (401) 222-2995
bbaum@riag.ri.gov

CERTIFICATION

I hereby certify that on this 29th day of May 2020, the within document was served on all counsel of record via first class mail.

Anne M. Mulready
Disability Rights Rhode Island
Suite 601
33 Broad St.
Providence, RI 02903
401-831-3150
Fax: 401-274-5568
Email: amulready@drri.org

Patrick T. Uiterwyk
Nelson Mullins
One Post Office Square
Boston, MA 02109
617-217-4710
Email: patrick.uiteryk@nelsonmullins.com

Brian Adae

Disability Rights Rhode Island
33 Broad Street
Suite 401
Providence, RI 02903
401-831-3150
Fax: 401-274-5568
Email: badae@drri.org

James S. Rollins

Nelson Mullins Riley & Scarborough LLP
One Post Office Square, 30th Floor
Boston, MA 02109
617-217-4700
Fax: 617-217-4710
Email: james.rollins@nelsonmullins.com

Amy Fetting

ACLU
915 15th St. NW
7th Floor
Washington, DC 20005
202-548-6608
Fax: 202-393-4931
Email: afetting@aclu.org

Lauren Kuhlik

ACLU
915 15th St. NW, 7th floor
Washington, DC 20005
202-547-6618
Fax: 202-393-4931
Email: LKuhlik@aclu.org

/s/ Brenda D. Baum
